CURRENT DECISIONS

ADMIRALTY—STATE WORKMEN'S COMPENSATION LAWS MAY EXCLUDE ADMIRALTY FROM JURISDICTION.—An employer had taken out the necessary insurance to comply with the Workmen's Compensation Law of New York, under which his liability in that event was confined to the compensation fixed by that statute to the exclusion of any general liability arising from his duty as master to his servants. An employee being injured on shipboard brought a libel *in rem* in the Admiralty Court against the vessel upon which he was injured. *Held,* that under the United States Judicial Code, as recently amended (which amendments are constitutional), the employer was equally absolved from any liability arising under the maritime law. *The Steamlighter Howell* (1919, S. D. N. Y.) 61 N. Y. L. J. 454.

The course of decision as to the status of compensation laws in Admiralty has previously been noted in these pages. The New York Workmen's Compensation Law has been held to conflict with the Federal Constitution. *Southern Pacific Co. v. Jensen* (1917) 244 U. S. 205, 37 Sup. Ct. 524; (1917) 27 YALE LAW JOURNAL, 255. Congress thereupon amended that provision of the Judicial Code which saved to all suitors from the grant of admiralty jurisdiction the right of a common-law remedy where the common law was competent to give it, by adding the phrase "and to claimants the rights and remedies under the Workmen's Compensation Law of any State." See *ibid.* 924. This amendment was held valid and retroactive in *Cimmino v. Clark* (1918, App. Div.) 172 N. Y. Supp. 478; (1919) 28 YALE LAW JOURNAL, 281. The present case holds that the amendment is valid even if interpreted to act prospectively. The decision is the logical corollary to the holding that the amendment is valid. It is possible, however, that the United States Supreme Court may not agree with the interpretation here put upon the *Jensen* decision, namely, that Congress has the power to determine the extent of the grant of admiralty jurisdiction in the Federal Constitution. See (1918) 27 YALE LAW JOURNAL, 924, 926.

ATTORNEY AND CLIENT—ATTORNEY FOR DEFENDENT—FORMER REPRESENTATION OF PLAINTIFF.—In a suit for divorce the petitioner made application to compel the defendant's solicitor to withdraw from the case because he had been the petitioner's solicitor in a similar suit between the same parties which was dismissed by the court in 1912. The petitioner's alleged present cause for divorce was adultery committed in 1917, while the cross-petition stated that the petitioner had deserted the defendant for more than two years past. *Held,* that the application be denied. *Wilbur v. Wilbur* (1918, N. J. Ch.) 105 Atl. 664.

The decision was grounded on the fact that the matters pleaded in the former suit were *res adjudicata* and could not be projected into the present case because both petition and cross-petition set up causes of action which arose subsequent to the termination of the relation of attorney and client between the petitioner and the solicitor for the present defendant. See *The Duties of Attorney,* by Hon. Edwin B. Gager (1911) 21 YALE LAW JOURNAL, 72.

CONSTITUTIONAL LAW—BILLBOARD RESTRICTIONS—OBLIGATION OF CONTRACTS.—The defendant city enacted an ordinance which limited the area of a billboard to four hundred square feet and the height above ground to fourteen feet. It required a space of four feet between a billboard and the ground and forbade the construction nearer than six feet to a building, or two feet to another billboard, or fifteen feet to the street line. The plaintiff sued to restrain the enforcement of this ordinance, claiming that it was in violation of the Fourteenth

Amendment; that the plaintiff's billboards were built upon private ground and were free from damages resulting from fire and wind; that contracts entered into before the enactment of this ordinance placed duties upon the plaintiff to maintain for three years advertisements of a standard size which was larger than the ordinance allowed. *Held,* that the ordinance must be upheld. *St. Louis Poster Advertising Co. v. St. Louis* (1919) 39 Sup. Ct. 274.

The instant decision reinforces the earlier cases in asserting that billboards may be placed in a class by themselves and prohibited in residential districts, or be discouraged by a high tax, or prohibited altogether; that such legislation will not be declared invalid because of an incidental effect upon duties resulting from contracts or because some of the objectionable features may have been eliminated or because of trifling requirements which are not aimed solely to satisfy basic wants. *Thomas Cusack Co. v. Chicago* (1917) 242 U. S. 526, 37 Sup. Ct. 190, discussed in (1917) 26 YALE LAW JOURNAL, 420. In support of the constitutionality of statutes forbidding advertising signs on property, see (1914) 24 YALE LAW JOURNAL, 1.

CONSTITUTIONAL LAW—DUE PROCESS—PROHIBITORY LIQUOR STATUTE.—The defendant was convicted for having liquor in his possession in violation of a prohibitory liquor statute. The statute, by its terms, did not become effective until several months after its approval, and it was in this interim that the defendant acquired his stock of liquor. It was contended that if the statute was construed to apply to liquor so acquired, it was void under the Fourteenth Amendment. *Held,* that such construction did not make the statute invalid. *Barbour v. State of Georgia* (1919) 39 Sup. Ct. 316.

It has been settled that the exercise of a State's police power cannot be obstructed by a person's entering into a contract after the enactment of the statute and with full notice of the time it is to become effective. *Diamond Glue Co. v. United States Glue Co.* (1902) 187 U. S. 611, 23 Sup. Ct. 206. The Court refused to pass on the more doubtful question as to the constitutionality of the statute if applied to liquor acquired before its enactment. The similar question as to whether the prohibition of sale may be constitutionally applied to liquor acquired previous to the approval of the statute has also been raised by the United States Supreme Court but not settled. *Bartemeyer v. Iowa* (1874) 18 Wall. 129, 21 L. ed. 929; *Beer Company v. Massachusetts* (1877) 97 U. S. 25, 24 L. ed. 989.

CONSTITUTIONAL LAW—REED AMENDMENT—NOT PROHIBITIVE OF TRANSPORTATION OF LIQUOR THROUGH A STATE.—The defendant was indicted for having transported liquor into Virginia in violation of the Reed amendment. The facts showed that the defendant was travelling on a through ticket from Maryland to North Carolina, and was arrested while the train was temporarily stopped in Virginia, although he had no intention of leaving the train until it arrived in North Carolina. *Held,* that the motion to quash was properly granted. *United States v. Gudger* (1919) 39 Sup. Ct. 323.

This decision interprets the prohibition against transporting liquor in interstate commerce "into any State or Territory the laws of which State or Territory prohibit the manufacture" as not to include the movement in interstate commerce through such a state to another. Says Chief Justice White: "The word 'into,' as used in the statute, refers to the state of destination, and not to the means by which that end is reached, the movement through one State as a mere incident of transportation to the State into which it is shipped." For a similar ruling in regard to the interpretation of a state statute of similar import, see *State v.*